



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Office of Indian Education Programs  
San Felipe Pueblo Elementary School  
P.O. Box 4343  
San Felipe Pueblo, New Mexico 87001



September 30, 2009

FCC, Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Received & Inspected

OCT 7 - 2009

FCC Mail Room

Docket no. 02-6

CC: Marian Serna, Head Teacher  
    Lourdes Ross, Business Manager  
    Edwina Garcia, Librarian  
    Lorenzo Chavez, IT Technician

To Whom It May Concern:

This letter of appeal is regarding the Funding Commitment Decision Letter dated September 3, 2009. The decision was made on 4-2-09 to dismiss our application pursuant to the Red Light Rule which implements the requirements of the Debt Collection Improvement Act.

San Felipe Pueblo Elementary School (SFPES) was denied funding because another school within the Bureau of Indian Education (BIE) had not met its financial obligations. The school in question shares the same Federal Tax ID number but is not associated with SFPES.

SFPES has met all of our financial obligations and should not be held accountable for the actions of another entity within the Bureau of Indian Education. Additionally, we have been working on this matter since last year and we were under the impression that the issue was being dealt with at the higher levels of the BIE.

Another letter of denial was issued on January 8, 2009, citing the same reason. Edwina Garcia received an email from Mr. Gene Barnette, who works with the Office of the Assistant Secretary Indian Affairs (BIA). Mr. Barnette corresponded with USAC and had a meeting on our behalf, on February 19, 2009. On February 23, 2009, Mr. Barnette and Mrs. Garcia had a telephone conversation in which he relayed information that was submitted via email to Marian Serna, acting principal and others.


We believed at that time that this issue had been resolved, and because the date was well within the 60 day period, we were under the impression that everything had been taken care of and we would receive a letter from USAC communicating this information.

No. of Copies rec'd \_\_\_\_\_  
List ABCDE \_\_\_\_\_

Further, because of this misunderstanding this application has been denied and we have been informed that unless this matter is resolved, we will continue to be denied E-Rate funding.

Just to reiterate, our school has followed the rules and regulations that USAC has put forth to the letter, but because another school that happens to share our Federal Tax ID did not, SFPES is being penalized. Our school depends on this funding to maintain the continuity of our technological infrastructure and by extension, the education of our students. If you have any questions, please feel free to contact me at the number below. Thank you very much for your consideration.

Very Sincerely,

A handwritten signature in black ink, appearing to read 'John McIntosh', written in a cursive style.

John McIntosh, Principal

Applicant: San Felipe Pueblo Elementary School  
Billed Entity Number: 98872  
Form 471 Application Number: 683032  
Billed Entity FCC RN: 0012516845  
Applicant's From identifier: 471-Y12-BASMAINT  
Service Provider: Harris Technology Spin #143025351  
Contacts: Edwina Garcia, Librarian (Edwina@sanfelipe.bia.edu)  
Lorenzo Chavez, IT Technician (Lorenzo@sanfelipe.bia.edu)  
Phone: (505) 867-3364  
Email: [John@sanfelipe.bia.edu](mailto:John@sanfelipe.bia.edu)

Attachments

## Edwina Aguilar

---

**From:** Lorenzo Chavez  
**Sent:** Tuesday, April 21, 2009 9:15 AM  
**To:** Edwina Aguilar  
**Subject:** FW: Good new regarding SLD's "Denial"



Barnette.doc (20 KB)

- This is all I can find. I will keep looking

-----Original Message-----

**From:** Edwina Aguilar [mailto:eaquilar@bia.edu]  
**Sent:** Monday, February 23, 2009 12:08 PM  
**To:** Lorenzo Chavez; mharris@htsusa.com; lross@bia.edu; marianserna@yahoo.com  
**Subject:** Good new regarding SLD's "Denial"

Please see attachment.  
Thanks,  
Edwina

February 23, 2009

Memorandum

To: Marian Serna, Lourdes Ross, and Lorenzo Chavez

CC: Mark Harris

From: Edwina Aguilar

I spoke to Gene Barnett today; he told me that last Thursday, he scheduled a meeting with the SLD, FCC, Kevin Skenadore and Stan Holder. What they realized is that this issue had affected more than just the schools they were aware of.

It started with one school that did not pay the 10% they owed. However, a check is being cut today from OMB to pay that school's debt. Once the SLD receives proof of payment we will all get a letter that the red light has been lifted.

Gene will then file a petition to FCC and that should clear every BIE School involved. He said with 61 schools sharing the same Tax ID, it could have been worse than it was, and it looks like the meeting and the subsequent action will take care of the matter.

09 E-Rate > View Message

Note: You have replied to this message.



From: genebarnette<genebarnette@everestkc.net> [Add to Address Book](#) [Block Address](#)

Sent: Friday, February 06, 2009 5:00:04 PM EDT

To: <eaguilar@bia.edu> <Edward.Connor@bia.gov>

Cc: <lochavez@hotmail.com> <lross@bia.edu> <mariansema@yahoo.com>

Subject: RE: Any news on "Denial"

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We are talking with the SLD on Monday with the folks at USAC that are in charge and Ned Connor will be responding back to the BIE Senior Staff as to what and how to fix this matter. Gene

Gene Barnette Jr. Office of Assistant Secretary Indian Affairs (BIA) 10808 West 146th Street

Overland Park Kansas 66221

Office: # 913-742-8895

Fax: # 913-742-8896 Cell: # 571-236-4246 [genebarnette@everestkc.net](mailto:genebarnette@everestkc.net)

—Original Message—

From: Edwina Aguilar [<mailto:eaguilar@bia.edu>] Sent: Thursday, February 05, 2009 4:54 PM

To: [genebarnette@everestkc.net](mailto:genebarnette@everestkc.net)

Cc: [lochavez@hotmail.com](mailto:lochavez@hotmail.com); [lross@bia.edu](mailto:lross@bia.edu); [mariansema@yahoo.com](mailto:mariansema@yahoo.com)

Subject: Any news on "Denial"

Gene,

This is the first time I've had a chance to write today. Any news on the Denial letter. We are a bit worried because we need to have that money for the year's Basoc Maint. Please let me know as soon as you hear something. Question: Do we need to get the ELO involved, or possibly Bart Stevens...this is clearly NOT our fault, but the fault of another school and we are being penalized for the actions of others.

Thanks,  
Edwina

No virus found in this incoming message.

Checked by AVG. Version: 7.5.552 / Virus Database: 270.10.18/1935 - Release Date: 2/4/2009 4:35 PM

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Note: You have replied to this message.



From: genebarnette<genebarnette@everestkc.net> [Add to Address Book](#) [Block Address](#)

Sent: Thursday, February 12, 2009 10:46:21 AM EDT

To: <eaguilar@bia.edu>

Subject: RE: Any news on "Denial"

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I just heard email from the SLD and myself and the brass in DC will talk with the SLD big dogs on Tuesday as Monday is a holiday. Gene

Gene Barnette Jr. Office of Assistant Secretary Indian Affairs (BIA) 10808 West 146th Street

Overland Park Kansas 66221

Office: # 913-742-8895

Fax: # 913-742-8896 Cell: # 571-236-4246 [genebarnette@everestkc.net](mailto:genebarnette@everestkc.net)

—Original Message—

From: Edwina Aguilar [<mailto:eaguilar@bia.edu>] Sent: Wednesday, February 11, 2009 9:00 PM

To: [genebarnette@everestkc.net](mailto:genebarnette@everestkc.net); [Edward.Connor@bia.gov](mailto:Edward.Connor@bia.gov)

Cc: [lochavez@hotmail.com](mailto:lochavez@hotmail.com); [lross@bia.edu](mailto:lross@bia.edu); [marianserna@yahoo.com](mailto:marianserna@yahoo.com)

Subject: RE: Any news on "Denial"

What did the USAC people say on Monday? Where do we stand?  
Edwina

— Original Message —

From: [genebarnette@everestkc.net](mailto:genebarnette@everestkc.net)

To: [eaguilar@bia.edu](mailto:eaguilar@bia.edu), [Edward.Connor@bia.gov](mailto:Edward.Connor@bia.gov)

Cc: [lochavez@hotmail.com](mailto:lochavez@hotmail.com), [lross@bia.edu](mailto:lross@bia.edu), [marianserna@yahoo.com](mailto:marianserna@yahoo.com)

Subject: RE: Any news on "Denial"

Sent: Friday, February 06, 2009 4:00:04 PM EST

We are talking with the SLD on Monday with the folks at USAC that are in charge and Ned Connor will be responding back to the BIE Senior Staff as to what and how to fix this matter. Gene

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Fax: # 913-742-8896 Cell: # 571-236-4246 [genebarnette@everestkc.net](mailto:genebarnette@everestkc.net)

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From: Edwina Aguilar [<mailto:eaguilar@bia.edu>] Sent: Thursday, February 05, 2009 4:54 PM

To: [genebarnette@everestkc.net](mailto:genebarnette@everestkc.net)



**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2009: 07/01/2009 - 06/30/2010)

September 3, 2009

Edwina Aguilar  
SAN FELIPE PUEBLO ELEM SCHOOL  
PO BOX 4343  
SAN FELIPE PB, NM 87001-4343

Re: Form 471 Application Number: 683032  
Billed Entity Number (BEN): 98872  
Billed Entity FCC RN: 0012516845  
Applicant's Form Identifier: 471-Y12-BASMAIT

Thank you for your Funding Year 2009 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$39,237.05 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

**NEXT STEPS**

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

**TO APPEAL THIS DECISION:**

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,
  - Applicant BEN and Service Provider Identification Number (SPIN),
  - Form 471 Application Number 683032 as assigned by USAC,
  - "Funding Commitment Decision Letter for Funding Year 2009," AND
  - The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Road  
P.O. Box 902  
Whippany, NJ 07981

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

#### OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division  
Universal Service Administrative Company

FUNDING COMMITMENT REPORT

Billed Entity Name: SAN FELIPE PUEBLO ELEM SCHOOL

BEN: 98872

Funding Year: 2009

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 683032

Funding Request Number: 1867249

Funding Status: Not Funded

Category of Service: Basic Maintenance of Internal Connection

Form 470 Application Number: 968610000721005

SPIN: 143025351

Service Provider Name: Harris Technology Services, Inc.

Contract Number: SFE-2009

Billing Account Number: N/A

Multiple Billing Account Numbers: N

Service Start Date: 07/01/2009

Service End Date: N/A

Contract Award Date: 02/09/2009

Contract Expiration Date: 06/30/2010

Site Identifier: 98872

Number of Months Recurring Service Provided in Funding Year: 12

Annual Pre-discount Amount for Eligible Recurring Charges: \$43,596.72

Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00

Pre-discount Amount: \$43,596.72

Discount Percentage Approved by the USAC: 90%

Funding Commitment Decision: \$0.00 - Red Light Rule Implementation

Funding Commitment Decision Explanation: On 04-02-09 your application was dismissed pursuant to the Red Light Rule which implements requirements of the Debt Collection Improvement Act.

FCDL Date: 09/03/2009

Wave Number: 019

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010